IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11804 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DAKSHA W/O. YOGESHKUMAR THAKKAR

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 11804 of 2002

MR ASHOKKUMAR B RAV for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 27/12/2002

ORAL JUDGEMENT

Leave to amend is granted.

2. Rule. Heard Mr.Ashokkumar B.Rav for the petitioner and Mr.N.J.Shah appearing with Mr.D.N.Patel for the respondents. With the consent of parties matter is taken up for final hearing today.

3. The contention raised by the petitioner is that the passport is already issued but has expired. However, the birth-date initially in the passport is recorded as 17.8.54 whereas the correct birth-date is 16.8.54. The petitioner submits that an application is made to the Passport Officer, however, the authorities have declined to consider the same in the absence of any order passed by this court.

4. On behalf of Passport authorities it has been submitted that earlier on the basis of School Leaving Certificate passport has been issued. If this court directs the passport authorities, they will consider the matter.

5. Mr.Rav for the petitioner submits that in similar matters this court has passed orders giving directions to the passport authorities to reconsider the matter and to pass appropriate orders and thereafter to incorporate necessary correction in the passport already issued or to issue fresh passport.

6. The distinguishing feature in the present case is that the passport of the petitioner has already expired and the petitioner has to apply for fresh passport. However, the contention of the passport authority is that once the passport is already issued and after the expiry it has to be issued afresh. The entry which was already made in the earlier passport shall continue to remain in operation unless direction is given by the court to consider the matter for correction.

7. In that view of the matter, while issuing another passport on the basis of passport which is already expired of the petitioner the passport authority is directed to consider the case of the petitioner for correction of birth date from 17.8.1954 to 16.8.1954. However, the petitioner shall pay costs of Rs.2,500/-to the respondent authorities since the passport authorities can not be saddled with costs of litigation. Petition is allowed aqccordingly. Rule is made absolute.

Direct service is permitted.

27.12.2002 (Jayant Patel, J.)